

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Trusteeship Created by
American Home Mortgage Investment Trust 2005-
2, relating to the issuance of Mortgage-Backed
Notes pursuant to an Indenture dated as of October
1, 2007

: **ORDER DENYING MOTION FOR**
: **JUDGMENT ON THE**
: **PLEADINGS OR SUMMARY**
: **JUDGMENT OR, IN THE**
: **ALTERNATIVE, TO ADJOURN**
: **THE TRIAL AND EXTEND**
: **DEADLINES**

: 14 Civ. 2494 (AKH)
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On June 3, 2014, Party-Intervenor Semper Capital Management, L.P. ("Semper") filed a motion for judgment on the pleadings or summary judgment or, in the alternative, to adjourn the trial and extend the deadlines that this Court had set. That motion is denied in its entirety.

In moving for judgment on the pleadings or summary judgment, Semper argued that this action is barred by New York's six-year statute of limitations. For the reasons stated in paragraphs 96 to 125 of my Findings of Fact and Conclusions of Law, dated and filed July 24, 2014, Semper's argument is denied.


Semper's alternative motion to adjourn the trial is also denied. The trial had been scheduled to begin on June 9, 2014. I granted a four week adjournment, so that trial began July 7, 2014. That four week adjournment struck a balance between Wells Fargo and Sceptre's need for an early trial date and Semper's desire to conduct additional discovery and prepare its case.

CONCLUSION

For the foregoing reasons, Semper's motion is denied in its entirety. The Clerk shall mark the motion (Doc. No. 65) terminated.

SO ORDERED.

Dated: July 24, 2014
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge